DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

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Food and Drug Administration
Center for Biologics Evaluation and Resear
1401 Rockville Pike
Rockville MD 20852-1448

March 29, 2001

CBER 01-018

WARNING LETTER

BY FACSIMILE AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Nadine D. Cohen, Ph. D.
Biogen, Inc.
14 Cambridge Center
Cambridge, MA 02142

Dear Dr. Cohen:

This letter concerns Biogen, Inc.'s (Biogen) promotional activities for your product, Avonex (Interferon beta-1a). The Advertising and Promotional Labeling Branch (APLB) in the Division of Case Management (DCM), Office of Compliance and Biologics Quality received a complaint regarding a press release entitled, "New Study with Biogen's Avonex (Interferon beta-1a) in Secondary Progressive Multiple Sclerosis Achieve Primary Endpoint" dated January 16, 2001, which appeared on your internet website www.biogen.com.

The press release has been reviewed by APLB. The press release is labeling as defined in 21 U.S.C. § 321(m) of the Federal Food, Drug, and Cosmetic Act (the Act) and Title 21, Code of Federal Regulations, Part 202. The press release contains representations and suggestions that are false and misleading within the meaning of 21 U.S.C. § 352(a). The Food and Drug Administration (FDA) has concluded that the press release violates the Act and applicable regulations as set forth below.

Press release dated January 16, 2001, entitled, "New Study with Biogen's Avonex (Interferon beta-1a) in Secondary Progressive Multiple Sclerosis Achieves Primary Endpoint."

In FDA's letters of July 23, 1998, December 6, 1999, and March 8, 2000, Biogen was informed that the proposed primary endpoint, the Multiple Sclerosis Functional Composite (MSFC) had not been validated as a clinical efficacy outcome measurement and therefore, was not appropriate for use as a primary efficacy endpoint in a Phase 3 study. In addition, we indicated that if the MSFC was used as the primary endpoint, the data from the trial would not be adequate to support the efficacy of Avonex in secondary multiple sclerosis. However, the efficacy headline and claims in the press release are

based on the MSFC, as the primary endpoint, which FDA stated is an invalid primary efficacy endpoint. Therefore, any representation or claim regarding the use of the MSFC as a primary endpoint, based on data derived from this study is false and misleading.

Prior Communication Between FDA and Biogen Regarding Promotion of Avonex

On November 22, 2000, a letter was sent to Biogen regarding violative promotional material contained within two brochures, two journal ads, a sales sheet, a Dear Dr. letter and a press release. The press release contained an efficacy claim for an unapproved indication and misleading statements. The other promotional material contained off-label promotion, false and misleading statements and a lack of fair balance.

Again, on December 5, 2000, a letter was sent to Biogen, regarding a violative press release which contained misleading efficacy claims and a lack of fair balance.

The violations noted in this letter appear to represent continuing examples of violative promotion or advertising materials disseminated by Biogen. Biogen should take prompt action to correct these violations. Failure to promptly correct these violations may result in the initiation of regulatory action by FDA without further notice. These actions include, but are not limited to, seizure, injunction, and/or civil penalties.

Please notify this office in writing within 10 working days of receipt of the letter of the specific steps that you have taken to correct the violations. Your response should be directed to Mr. William Purvis, Chief, Advertising and Promotional Labeling Branch at the address listed below. If you have any questions involving this matter, please contact Mr. Purvis, at 301-827-3028. In addition, we request a meeting with you at your earliest convenience to discuss the advertising and promotional practices of your firm. Please telephone Mr. Purvis to discuss an appropriate date and time for the meeting.

Food and Drug Administration,
Center for Biologics Evaluation and Research
1401 Rockville Pike, 200S, Rockville, MD 20852-1448.

Sincerely,

Steven A. Masiello
Director
Office of Compliance and Biologics Quality
Center for Biologics Evaluation and Research